1949

File No. 0. Essen. Supplies (T.P.)/49

Legal Deptt.

A BRANCH

Subject:— Opinions under the essential Supplies (Temporary Powers) Act 1946

P6/E

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Rele.M.S.

BP
13/1

Office of the R. L. A.

Essential Supplies (T.P.) Act,1946.

Govt. Notification No.925(Rice)/II, dated 16-10-48.

Disposal of paddy except under a permit would be an offence under the Essential Supplies (Temporary Powers) Act, 1946 read with the Government Notification No.925(Rice)II, dated the 16th October 1948. Consequently those who make the subscription in paddy and those who receive it would be liable to prosecution only when it is made otherwise than under a permit.

Id/-
9/3
Remembrancer of Legal Affairs.

U.R. to H.D.(spl) No.161-Confl., dated the 10th March 1949.

R.I.No. 18006 dt. 4.11.49.

Submitted with reference to A & F.D. reference at pp. 19-20 ante.

The matter was dealt with in 'A' Branch but it is transferred to 'B' branch as per orders on p.24 ante.

The question is whether it is necessary to amend the Govt. orders A & R.D.D. No. 1623/H dt. 15.2.49 and A & R.D.D. No. 1623. H (b) dt. 15.2.49 in view of the change in the nomenclature of the Deptt. of Agriculture effected under Govt. Cir. No. 3478/C dt. 2.7.49 (page 1 ante).

The Deptt. of Agriculture was originally styled as "Agriculture and Rural Development Deptt. but under the said Cir. the name is changed to "Agriculture and Forest Deptt.". The Govt. orders, namely No. 1623-H and No.1623-H(b) specifies the Secy. To Govt., Agriculture and Rural Development Deptt. as the licensing authority for the purpose of granting licences in respect of groundnut oil-cakes.

The A & F.D. holds a view that no amendment in the notification is necessary and that it would serve the purpose if a press note is issued in connection with change of the nomenclature for the information of the public. (p.19-20), that Deptt. however, requests the R.L.A. to confirm the view.

The question has been fully discussed in the note prepared in 'a' Branch (pages 23 & 24). In Govt. order No. 1623-H dt. 15.2.49 (pp. 5 to 11) in clause 2 (g) the term "licencing authority" is defined and the term means the Secy. to the Govt.

of Bom. Agriculture and Rural Development Deptt.
If the above nomenclature is changed it is necessary to change the definition and make the consequential amendements in the order.

Id/-
17/11.

In order to leave no room for doubt it would be desirable to amend the Order.

Id/-
18/11.

Addl. Secy. I agree
Id/-
18/11.

U.R. to A & F.D. No. 13202, dated 21st Nov. 1949.

Office of the R. L. A.

Essential Supplies (Temporary Powers) Act, 1946: Cotton Control Order, 1949 - service of orders made under

The question referred to the R.L.A. for advice in this case is how orders made by the Textile Commissioner, Etc. under the Cotton Control Order, 1949, should be served on the persons affected by them. Although under the Order the Textile Commissioner alone appears to be empowered to issue orders, still under para. 21 it is open to him to authorise any officers to exercise his powers. The said Order is made by the Government of India in exercise of the power conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946. Neither that Act nor the Order itself contains any provision on the lines of section 6 of the Bombay Essential Commodities and Cattle (Control) Act, 1946, prescribing the manner of publishing or serving such orders.

2. In the absence of any specific provision in the Cotton Control Order, 1949, or in the Essential Supplies (Temporary Powers) Act, 1946, as regards the manner in which orders made under the said Order shall be served on the persons affected, the orders will have to be served by the officer making them in a manner which will ordinarily be considered as reasonably sufficient to prove that the persons affected have had knowledge of them. What this should be will depend upon the nature of each order. For example if the order is one affecting an individual, a copy can be sent to him by registered post, or delivered or tendered to him personally - the latter being preferable; or if it is one affecting a class of persons, it can be published in the Official Gazette and in local

newspapers, etc.

Ld/-

22/11.

Remembrancer of Legal Affairs.

U.O. to F.D., No. 13339, dated the 22nd November 1949.